

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
DECEMBER 4, 2007**

ITEM 11

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TRASH IN VENTURA RIVER ESTUARY

DISCUSSION

As part of California's 1996, 1998, and 2002 303(d) list submittals, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) identified Ventura River Estuary as being impaired by trash. A consent decree was signed on March 22, 1999 between the U.S. Environmental Protection Agency (USEPA), the Santa Monica Baykeeper, and Heal the Bay, Inc. (represented by the Natural Resources Defense Council). This consent decree requires that all TMDLs for the Los Angeles Region be completed within 13 years of the date of the decree. The consent decree also prescribed schedules for certain TMDLs. This TMDL for the Ventura River Estuary fulfills Analytical Unit No. 91 of the consent decree.

Trash in water bodies may endanger aquatic organisms and impair existing uses. The beneficial uses most affected by trash loadings into the Ventura River Estuary include contact recreation (REC 1) and non-contact recreation (REC 2); commercial and sport fishing (COMM); warm fresh water habitat (WARM); estuarine habitat (EST); marine habitat (MAR); wildlife habitat (WILD); rare, threatened, or endangered species (RARE); migration of aquatic organisms (MIBR); spawning, reproduction, and/or early development (SPWN); shellfish harvesting (SHELL); and wetland habitat (WET).

The amendment (Attachment) establishes the numeric target to be used in calculating wasteload allocations for point source discharges and load allocations for nonpoint source discharges. The numeric target of "zero" trash was derived based on the narrative water quality objectives of *Floating Material*, and *Solid, Suspended, or Settleable Materials*, specified in the Los Angeles Water Board Basin Plan (§ 3-9; 3-16). The Los Angeles Water Board has defined zero trash as (1) no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC), or (2) installing full capture system on conveyances that discharge to Ventura River Estuary through a phased implementation schedule. The wasteload allocations and load allocations are calculated according to baselines determined by using a reference approach or by results of a Trash Monitoring and Reporting Plan (TMRP) approved by the Los Angeles Water Board's Executive Officer (EO). To comply with wasteload allocations, a responsible jurisdiction may install an adequately sized and maintained full capture system that meets the minimum criteria outlined in the amendment; or implement a program of minimum frequency of assessment and collection in conjunction with best management practices (MFAC/BMPs) upon EO approval. Nonpoint source dischargers may achieve compliance with load allocations by implementing the program of MFAC/BMPs. The proposed TMDL establishes an eight-year

implementation schedule when responsible jurisdictions choose to install full capture systems. When responsible jurisdictions implement a MFAC/BMPs program (for point or nonpoint sources or both), the water quality objective of zero trash must be attained in five years.

The TMDL includes monitoring based on a plan developed by responsible jurisdictions and approved by the EO. Minimum requirements for trash monitoring include collection and quantification of trash from the surfaces and shoreline of Ventura River Estuary and its tributaries. The monitoring plan shall provide details of the frequency, location, and reporting of trash monitoring for each water body. Responsible jurisdictions shall propose a metric (e.g., weight, volume, pieces of trash) to measure the amount of trash in the water body and surrounding area.

During review of the Basin Plan amendment ([Attachment](#)), Los Angeles Water Board staff found that it was necessary to make several minor, non-substantive corrections to the language for clarity and consistency. Los Angeles Water Board [Resolution No. R4-2007-008](#), adopted on June 7, 2007, allows its EO to make such corrections to the amendment language, if needed. The EO made the corrections in a memorandum, dated September 21, 2007. The memorandum includes the underline/strikeout version of the Basin Plan amendment showing these non-substantive corrections.

POLICY ISSUE

Should the State Water Resources Control Board (State Water Board) approve the amendment to the Basin Plan to incorporate a TMDL for trash in Ventura River Estuary as adopted under Los Angeles Water Board [Resolution No. R4-2007-008](#)?

FISCAL IMPACT

Funding for Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, approval of this resolution will amend the Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board [Resolution No. R4-2007-008](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board [Resolution No. R4-2007-008](#) to the Office of Administrative Law for approval of the regulatory provisions and to USEPA for approval of the TMDL.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2007-_____

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TRASH IN VENTURA RIVER ESTUARY

WHEREAS:

1. On June 7, 2007, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R4-2007-008 ([Attachment](#)) amending the Basin Plan to incorporate a TMDL for trash in the Ventura River Estuary.
2. The TMDL for trash in the Ventura River Estuary is designed to protect the aquatic life habitat, wildlife habitat, water contact recreation, and non-contact water recreation beneficial uses of the Ventura River Estuary and to achieve the narrative water quality objectives set to protect those uses.
3. The Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Document" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments complies with the requirements of the State Water Resources Control Board's (State Water Board) certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The State Water Board finds that in amending the Basin Plan to establish this TMDL, the Los Angeles Water Board considered the requirements set forth in sections 13240 and 13242, and section 13269 of the California Water Code. The State Water Board also finds that the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).
5. The Los Angeles Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements.
6. The Los Angeles Water Board established a loading capacity, represented as a numeric target for the Ventura River Estuary, at zero trash. Compliance with this trash load will be based on a 5-8 year implementation schedule depending on the method implemented.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).
8. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment was necessary to correct minor, non-substantive errors, to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor changes in a memorandum dated September 21, 2007.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board [Resolution No. R4-2007-008](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board [Resolution No. R4-2007-008](#) to OAL for approval of the regulatory provisions and to USEPA for approval of the TMDL.

CERTIFICATION

The undersigned, Acting Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 4, 2007.

Jeanine Townsend
Acting Clerk to the Board